
Anglo-American Law

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"LEGAL BIBLIOGRAPHY" to the lawyer and the law student means books of instruction and reference describing the kinds and functions of legal materials and the complicated techniques involved in their use and constant updating. The present paper is concerned only with bibliography in the usual sense, as applied to lists of law books and related materials, or of books in peripheral subject areas. It covers Anglo-American law books (the American lawyer does not distinguish between the law of the United States and that of England, from which it was basically "received"), and international law materials which apply internally to American law. International law can be covered only briefly in this paper, but because, especially in its internal or "municipal" applications, it is the "law of the land," and treaties are formal United States legislation, some basic materials will be mentioned.

Law is based upon primary authority (legislation and law reports), as interpreted and commented upon by works of secondary or no authority (treatises, legal periodicals, etc.), and indexed by works of no authority but of the utmost importance (digests, citation books, etc.). International law is also the creature of statutes (treaties and conventions and the legislation implementing them) and of precedent—the decisions of competent courts.

Therefore, while, except for historical purposes, most legal materials, especially those of only secondary or no authority, such as treatises, law review articles and books of index, become rapidly obsolete, a good legal bibliography may have to take cognizance of every pertinent work which has ever been published on its subject matter. (Obvious exceptions are bibliographies or supplements limited to publications between given inclusive dates, or to entirely new topics, such as atomic energy or space law.) Because law is changed—by leg-

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isolation or judicial decision—legal publication, including that of many bibliographies, is geared to speed of production, indexing, and supplementation. Often, the deadline is daily. An out-of-date law book may not be merely useless, but dangerous. The increasing facilities for speedy production are a factor in legal publication and in legal bibliography.

Briefly, present trends in legal bibliography may be summarized as greater cooperative bibliographical efforts of law libraries, both United States and foreign (the “internationalization of legal bibliography”); increased activities in this respect by universities, foundations, professional associations, and governmental agencies; catching up with the effects of World War II due to increased publication in both the fields of foreign law and of the new technical and scientific discoveries; and very importantly, the proliferation of new means of production which render copying, even of whole library catalogs and shelflists, both speedy and relatively cheap.

The post-World War II political independence of many former colonies has resulted in numerous new constitutions and consequent revisions of foreign law codes and the commentaries on them, and the compilation of rather comprehensive annotated bibliographical manuals covering the whole present “state of the art” of the legal literature of such countries. Although these publications are not listed in this paper they are, nevertheless, important to American lawyers because of the greatly increased impact of foreign trade and international trade bodies. In the United States itself, the student population explosion has resulted in the establishment of new law schools and libraries, and the sudden and explosive expansion of existing law libraries. Consequently, there has been urgent demand on the part of librarians for guidelines, in the form of bibliographies, so that appropriations may be wisely expended.

As to legal bibliography generally, these guidelines, together with improved copying devices to implement them, have to a considerable extent revived the library catalog in book form, for use as a buying guide. Now, entire library card catalogs or shelflists—or parts of them—are being reproduced for subscribing libraries. Examples are the photocopying by the Los Angeles County Law Library of the classified shelflists of most of its extensive foreign law collections for subscribing libraries; the annotated catalog of the Harvard Law School Library international law collection ¹ and, on a smaller scale, the catalog

of the Carson Common Law Collection of the Free Library of Philadelphia.² *

The Association of American Law Schools' Libraries Study Project, started in 1964 under a Council on Library Resources grant, and also aided by a Carnegie Corporation grant, is compiling annotated lists of law books in nearly all fields and countries, suitable for law school libraries of various sizes. As this is written, some forty-five different lists, ranging in size from ten to three hundred pages, have been prepared in draft form for criticisms by experts in their respective fields, and it is expected that the revised lists will be published in 1967 and supplemented annually thereafter. Since most of the lists photocopy actual catalog cards, they serve the double purposes of providing well-selected and annotated book lists and copies of properly constructed catalog cards as well.

*Law Books in Print*³ is indispensable. While it does not quite live up to its title (serials and government publications are, for the most part, omitted), most law books in print in English, wherever published, are listed, with full bibliographical information, including prices. A list of law book publishers and dealers with addresses is included.

Selective lists of current or suggested acquisitions of large libraries are increasingly common and are eagerly consulted by law librarians. Notable among these for both Anglo-American, foreign, and international law, are two issued by the Harvard Law School Library: *Annual Legal Bibliography*⁴ and *Current Legal Bibliography*. The first mentioned includes, in a topical arrangement, references to all books received by the library, a selection of pamphlets, all lead articles in over 2,000 periodicals, articles in essay collections, and a selection of documents of federal, state and international agencies. Worldwide in

* Said to be the most comprehensive collection on the subject ever collected by a single person, numbering some 10,000 titles of yearbooks, abridgements, records, statutes, reports, state trials, and first and later important editions of Granville, Bracton, Littleton, Coke, Hale, and Blackstone. In addition, there is a great deal of peripheral material, including over 100 manuscripts, 2,000 letters, and 10,000 prints. Since its acquisition by the Free Public Library, the collection has been added to. Primarily a dictionary catalog, the *Catalog of the Hampton L. Carson Collection* is subdivided into titles for printed books, manuscripts, prints, etc. There are many descriptive cataloger's notes. This is a bibliographical tool of considerable importance, noting many book rarities. It is described here as an example of the "newer" legal bibliography, in which modern methods make practicable the photocopying at reasonable costs of the entire catalogs of libraries.

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scope and containing more than 30,000 entries in each volume, it is a remarkably useful bibliography which, for current legal materials, may well be the most useful tool for those desiring full coverage. Its arrangement, however, makes it rather difficult to use. *Current Legal Bibliography* is published nine times a year from October through June and contains about one-third of the items contained in *Annual Legal Bibliography* (the coverage of foreign-language materials is highly selective). Many other law libraries publish selective lists of their recent acquisitions, usually only for intramural circulation.

The American Association of Law Libraries, as part of its extensive publication program, puts out a selective list of *Current Publications in Legal and Related Fields*⁵ which gives full bibliographical information, including prices. The Northwestern University School of Law Library publishes a bi-monthly *Selection of Foreign Legal Publications*,⁶ widely circulated. A selection from both the above lists, plus some titles from other sources, is published in a "Current Publications and Bibliographies" section of the *Law Library Journal*,⁷ the official journal of the American Association of Law Libraries.

Two recent additions to the ranks of legal periodical indexes, supplementing to some extent the indispensable *Index to Legal Periodicals*,⁸ are the *Index to Foreign Legal Periodicals and Collections of Essays*,⁹ and the *Index to Periodical Articles Related to Law*.¹⁰ The *Index to Foreign Legal Periodicals*, which lists articles of three or more pages in length in over 270 periodicals from fifty-four countries, has recently begun indexing *Festschriften*, as indicated by its change of title to include "Collections of Essays"; its combination subject-and-country arrangement makes it somewhat difficult to use. The references in the *Index to Periodical Articles Related to Law* are culled from non-legal journals (for example, *The American Economic Review*), if they have some relevancy to or bearing upon the law.

A standard bibliographical tool is *A Catalogue of the Law Collection at New York University, with Selected Annotations*.¹¹ This is a well-indexed subject arrangement of a well-selected law school library of 160,000 volumes (at the time of compilation). The annotations are copied or paraphrased from reviews in legal periodicals, and many have now lost their original cogency. Titles listed are nearly all in the English language and only a few of them deal with foreign law. Another bibliography issued by this law school library is the annotated *Bibliography of Materials on Legal Education*,¹² by Doris Yendes Alspaugh, a uniquely useful bibliography of its kind.

Because legal bibliography is concerned with both source (statutes and law reports) and secondary materials (treatises, legal periodicals and books of index), bibliographies are to a considerable extent also organized into coverages of sources and treatises and other secondary publications. A most useful bibliography which combines all types of materials is *The Law in the United States of America: a Selective Bibliographic Guide*.¹³ It is a "must" for those wanting a quick view of what a small, well-selected legal library would consist of. It is excellently chosen and annotated and although compiled especially with the Anglo-American legal literature problems of foreign law libraries in mind, it is useful in the United States as well.

The checklist is the conventional American bibliographical form for such primary materials as legislation and law reports, and also for such secondary publications as legal periodicals and the reports of state attorneys-general, bar associations, and the like. Several checklists have been issued since World War II, usually supplementing or superseding existing lists.

The Checklists of American Legal Publications,¹⁴ issued as Number 4 of the new AALL Publications Series, covers state (and some colonial) statutes and session laws, and opinions of state attorneys-general; still to be published as a section of this same checklist is one for judicial council reports. These checklists should be consulted along with two older ones. First is the Massachusetts State Library *Hand-List*¹⁵ of both United States and state legislation, and still preeminent for its historical notes. Second is the U.S. Library of Congress' *A Guide to the Microfilm Collection of Early State Records*.¹⁶ This microfilm collection affords the most complete coverage of colonial and state statutes and session laws extant, and the *Guide* forms a checklist to it which is useful when ordering specific films from the Library of Congress.

The checklist of federal and state law reports in Price and Bitner's *Effective Legal Research*,¹⁷ 1953 edition, has been kept up to date by the *Index to Legal Periodicals*.⁸ Lewis W. Morse's *Checklist of Anglo-American Legal Periodicals*,¹⁸ in course of publication as this is written, will be the most complete reference tool of its kind, kept up to date by loose-leaf supplements. A much smaller, but convenient periodical checklist, covering titles most frequently found in American law libraries of moderate size, is the Rutgers University School of Law Library, South Jersey Branch, *Periodical Collection. Law Library, January*.¹⁹ Some 648 titles are listed in it.

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Special-subject bibliographies of recent publication date are innumerable, and specific ones will be mentioned here only as they illustrate some of the various issuing agencies which since World War II have been increasingly active. Official agencies, federal and state, are important.

The U.S. Library of Congress is, of course, a major center. Its General Reference and Bibliography Division has issued, among many others, a *Guide to Bibliographic Tools for Research in Foreign Affairs*,²⁰ mentioned here because of the increasing American legal interest in foreign trade. Perhaps the most assiduous bibliographer of all is the National Aeronautics and Space Administration, which publishes bibliographies of interest to all classes and ages, from kindergarten on up. Through its subsidiary International Institute of Space Law and World-wide Bibliography, it published in 1965 its first yearly *Bibliography*²¹ of books and articles on space law and related matters, listing 369 references to books and 133 to periodicals published in twenty-seven different countries.

The Army Library has issued a *Bibliography on Government Procurement and Contractual Material*.²² The Federal Trade Commission Library compiled *Twenty Years of Robinson-Patman Act Literature, 1936-1956*.²³ The Department of Commerce's Bureau of Public Roads Library compiled a comprehensive *Bibliography of Right-of-Way Acquisition*.²⁴

The U.S. Copyright Office Library has published *A Selected List of Materials on the Philosophy of Copyright*.²⁵ The Copyright Office has also published a *Bibliography on Design Protection*,²⁶ which is considerably more inclusive than its title indicates and is so well annotated as to form a useful reference work on design protection, both in its patent and copyright fields.

In the regulatory field, the Securities and Exchange Commission Library has issued *Legal Bibliography on Federal Securities Regulations*,²⁷ covering fifty years of proposed and enacted legislation. The Library of the Federal Housing and Housing Finance Agency, Office of the Administrator, publishes *Housing and Planning References*²⁸ (including legal) probably the most comprehensive lists of their kind. The U.S. Federal Aviation Agency publishes a bi-monthly *Current Legal Literature*.²⁹

In the state field, research agencies and state law libraries have assiduously kept abreast of current and impending developments. Ernest H. Breuer, New York State Law Librarian, has compiled

bibliographies on *Condominium*³⁰ (a late and important development in real property law), and many others. The California State Law Library publishes a variety of bibliographies slanted, as are most state publications, toward its own state interests; for example, *Index to California Legal Periodicals and Documents*,³¹ *Inheritance Rights of Aliens under Probate Code*³² and a *California County Law Library Basic List*.³³ In this connection should be mentioned the many excellent selective bibliographies compiled by the Los Angeles County Law library. The Massachusetts State Legislative Reference and Research Bureau's *Index of Special Reports Authorized by the General Court*,³⁴ is also an outstanding legislative reference tool.

Some of the best legal bibliographies are compiled by state agencies only peripherally concerned with the law, as exemplified by those in various areas of political science, criminology, and sociology issued by the Institute of Governmental Studies of the University of California at Berkeley. Examples include two bibliographies by Dorothy L. (Campbell) Culver Tompkins: *Presidential Succession—a Bibliography*³⁵ and *The Supreme Court of the United States: a Bibliography*.³⁶

Law schools have been productive. Examples are the New York University School of Law *Catalogue* of its collection,¹¹ and its *Bibliography of Materials on Legal Education*,¹² the latter being the most complete listing in its field, and covering both the United States and most foreign countries. The Institute of Judicial Administration of the same Law School has compiled, among many other bibliographies, a monumental *Judicial Administration and the Judicial Profession: a Bibliography*,³⁷ listing 6,654 separate treatises, documents and periodical articles. The Harvard University Law School has been most active in all fields. State university law schools often slant their bibliographical contributions toward local interests, as illustrated by the oil and gas law bibliographies of Louisiana State University, and water and mineral resources bibliographies of the University of Colorado. Two former librarians of the University of Colorado, Jacobstein and Mersky, have recently compiled a *Water Law Bibliography 1847-1965; Source Book on U.S. Water and Irrigation Studies: Legal, Economic, and Political*.³⁸ Special mention should be made of the wide variety of bibliographies compiled and supplemented by the University of California Library at Los Angeles, under the direction of its librarian, Louis Piacenza. These cover such fields as copyright, entertainment law, medical jurisprudence, reading lists for pre-law stu-

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dents, and law and education. Another important specialist bibliography is the *Catalogue of Air and Space Law Materials* published by the McGill University Library and the Institute of Air and Space Law.³⁹

Professional law library organizations compile and publish bibliographies. Foremost in the field is the American Association of Law Libraries, which since World War II has expanded its publication activities. Examples are the *Checklist of Basic American Legal Publications*,¹⁴ and the *Index to Foreign Periodicals and Collections of Essays*,⁹ the latter published in cooperation with the Institute of Advanced Legal Studies of the University of London. Committees of the Association are active bibliographers. The Foreign Law Committee has published *A Tentative, Provisional Bibliography Containing Suggestions for a Basic Acquisitions Program of Foreign Law Materials for A Small Library, or a Library Starting a Foreign Law Collection*,⁴⁰ covering sixty-seven different foreign countries and Roman law. The British Academy of Forensic Medicine has issued a *Bibliography of Medico-Legal Works in English*,⁴¹ listing 1,651 separate works by 1,438 authors.

Foundations, either directly or, more usually, through institutional grants, have stimulated and financed bibliographical publications. The council on Library Resources and Carnegie Corporation Grants have already been mentioned. The American Bar Foundation has issued valuable checklists of the multifarious publications of the American Bar Association and its sections and committees; a bibliography of legal bibliographies is in preparation; and it previously compiled the *Current State Legislation Index*.⁴² The endowed Legislative Drafting Research Fund of Columbia University has issued a *Selective Bibliography on State Constitutional Revision*,⁴³ by Balfour Halévy. The Civil Liberties Education Foundation has published *Civil Rights and Liberties in the United States*,⁴⁴ an outstanding bibliographical work which, though aimed at the high school level, is suitable for any educated reader, and is well and interestingly annotated.

Law publishers and dealers are of course frequent publishers of both university and foundation bibliographies in addition to their own ventures. Members of related law fields also contribute. An example in the forthcoming *Government Regulation of Business, Including Antitrust*. This bibliography of approximately two hundred pages, still in press at the time of writing, was compiled by two lawyer-librarians

of large law firms to give comprehensive coverage of the "big Six" federal regulatory agencies—C.A.B., F.C.C., F.P.C., I.C.C., S.E.C. and the Antitrust Division of the Department of Justice.

The newer bibliographical trends in international law are even more noticeable than in the common law areas, due, very largely, to the political and economic effects of World War II and their implications in United States business law. These are reflected in courses offered both in colleges and in law schools, the number and variety of which have substantially increased. In addition, courses not specifically designated as international law now cover such diverse topics as international business transactions, taxation, antitrust, land reform, recognition of foreign judgments, and the like. Although it is beyond the province of this paper to go deeply into the literature of international law, mention should be made of the *American Journal of Comparative Law*⁴⁵ and the *Inter-American Law Review*,⁴⁶ both of which reflect this trend and both of which make valuable bibliographical contributions in their book reviews and notes. Among others, student journals at the law schools of Columbia, George Washington, Harvard, Texas, and Virginia universities publish journals in this field, all of which have started since World War II.

In conclusion, then, we see that legal bibliography has been meeting the challenge of the current explosion in the law and peripheral disciplines by offering worldwide services of a comprehensive, selective nature, with analysis in greater depth in subject areas of the greatest interest. The nature of law calls for up-to-dateness and for an approach to indexed materials by form, type, topic, and jurisdiction. As stated at the beginning of this paper, various new reproductive techniques, such as photo-offset and electrostatic printing, have been increasingly influential. Because of their speed, capacity and versatility, electronic devices perhaps hold the key to a satisfactory solution of legal bibliographic problems, as they do in the literature of other disciplines.

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